

Rail Enhancement Fund Policy Goals and Implementation Guidelines FY2005-2006

October 20, 2005

As Adopted by the

Commonwealth Transportation Board
October 20, 2005

Rail Advisory Board
October 13, 2005



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**Rail Enhancement Fund
Draft Policy Goals and Implementation Guidelines
FY2005-2006**

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Rail Enhancement Fund Program

Program Overview

Under §33.1-221.1:1.1 of the Code of Virginia (Appendix C), the General Assembly declared it to be in the public interest that railway preservation and the development of railway transportation facilities are important elements of a balanced transportation system in the Commonwealth. It further declares “it to be in the public interest that the retention, maintenance, improvement and development of the railways are essential to the Commonwealth’s continued economic growth, vitality, and competitiveness in national and world markets. There is hereby created in the state treasury a special non-reverting fund to be known as the Rail Enhancement Fund which shall be considered a special fund within the Transportation Trust Funds, hereafter referred to as ‘the Fund.’”

The Code states that the Director of the Department of Rail and Public Transportation (DRPT) “shall administer and expend or commit, subject to the approval of the Commonwealth Transportation Board, the Fund for acquiring, leasing, and/or improving railways or railroad equipment, rolling stock, rights-of-way or facilities, or assisting other appropriate entities to acquire, lease, or improve railways or railroad equipment, rolling stock, rights-of-way or facilities, for freight and/or passenger rail transportation purposes whenever the Board shall have determined that such acquisition, lease, and/or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole.”

The Code further states that “Projects undertaken pursuant to this section shall be limited to those the Commonwealth Transportation Board shall have determined will result in public benefits to the Commonwealth or to a region of the Commonwealth that are equal to or greater than the investment of funds under this section. Such projects shall include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, or a local government source, or a combination of such sources.”

This document describes the policies and procedures applicable to the consideration of requests for expenditures from the Rail Enhancement Fund.

General

1. A Rail Advisory Board (RAB) consisting of nine members, appointed by the Governor, has been established. The RAB, in consultation with the Director of DRPT, will develop recommendations to be presented to the Commonwealth Transportation Board (CTB) regarding allocations of funds from the Rail Enhancement Fund. The RAB will also advise the Director on other matters upon request.
2. The Director of DRPT administers and, subject to CTB approval, expends or commits funds from the Rail Enhancement Fund for the purpose of acquiring, leasing, and/or improving railways or railroad equipment, rolling stock, rights-of-way or facilities for freight and/or passenger rail transportation purposes. The Director of DRPT will obtain the recommendation of the RAB before submitting a project involving utilization of Rail Enhancement Funds to the CTB.

3. Projects undertaken are limited to those determined by the CTB to result in public benefits to the Commonwealth or to a region of the Commonwealth equal to or greater than the public investment.
4. All projects receiving funds from the Rail Enhancement Fund must include a minimum of 30% cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources.

Program Policy Goals

The following Program Policy Goals were adopted by the Rail Advisory Board on October 13, 2005 and the Commonwealth Transportation Board on October 20, 2005. Goals 1, 2 and 3 are minimum policy criteria for project consideration. Compliance with these minimum criteria must be demonstrated before further consideration will be given to funding a project.

- 1. Projects will provide an additional or accelerated investment in Virginia rail projects, which are determined to have a substantial public benefit equal to or greater than the public investment.**

The Rail Enhancement Fund provides new money for the development of rail infrastructure in Virginia. The Rail Enhancement Funds will be used to fund projects found to have a public benefit that is equal to or greater than the public investment, and which are not likely to be completed in a timely manner without use of Rail Enhancement Funds.

- 2. Projects will address the needs identified in the applicable state, regional and/or local plans, developed in consultation with public and private partners.**

Projects will address the needs identified in the applicable state, regional and/or local plans. Existing plans and initiatives include VTrans2025, The Virginia State Rail Plan and those goals adopted by Governor Warner's Commission on Rail Enhancement for the 21st Century.

- 3. Projects will encourage competition and economic development by promoting, or not precluding, access by more than one rail operator and whenever possible joint access by freight and passenger operators to optimize the Commonwealth's investment.**

Projects should maximize rail usage and promote competition whenever feasible. Projects in corridors that are utilized for both freight and passenger service must demonstrate that both types of service benefit from the improvement. Where feasible rail infrastructure-related projects should not be designed to preclude access by more than one operator.

- 4. It is anticipated that the use of Rail Enhancement Funds will evolve from a focus on quick turn-around, high impact projects to a multi-year strategic program of projects that leads to an integrated six-year rail (passenger/freight) improvement program. (Further discussion on how the process of selecting projects will evolve over the first three years of the program is found in the "Program Implementation Guidelines" section beginning on Page 7.)**

The Rail Advisory Board, in consultation with and with the assistance of the Director of DRPT, will develop recommendations for a strategic program of projects that will be incorporated into a passenger and freight rail improvement program. Early projects are anticipated to be those that can be quickly implemented and will have an immediate positive benefit. In future years the focus will be on implementing those projects that have been integrated into a six year strategic passenger and freight improvement

program. The Rail Advisory Board will review the program of projects and may recommend amendments to include additional short and long range projects as they are identified for CTB consideration. Individual projects will be viewed in terms of how they benefit the overall rail network in Virginia.

5. The Program will limit long term Commonwealth funding liability through the development of achievable project schedules and budgets. Consideration will be given to funding major projects over a period of several years.

Projects will have an achievable schedule that demonstrates completion within a specified time frame to limit the long term liability of the Rail Enhancement Fund. Projects will have well defined cost estimates that reduce the likelihood of overruns. Project budgets and schedules will be adequately developed prior to award and will be completed within a specified time frame. Some large projects will require funding over several years. The Rail Advisory Board will work with DRPT to identify those projects that, due to their size and complexity, require funding over an extended period. The CTB will give consideration to the duration of funding for multi-year projects. Project progress will be closely monitored to ensure that they continue to move toward completion on time and on budget.

6. Where feasible, projects will optimize public benefits by leveraging funds from sources other than the Rail Enhancement Fund.

The law creating the Rail Enhancement Fund requires a minimum of a 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources. Projects are likely to receive more favorable consideration if a higher match ratio is proposed. Projects that are part of a larger package of improvements funded from other sources are encouraged and are likely to receive more favorable consideration. Additional investments above the minimum match requirement broadens the sharing of the risk of the investment and improves the chance of success of the project.

7. Projects will protect the Commonwealth's public interest in private facilities.

The Commonwealth will ensure that any improvements made with public funds remain available for the proposed public use for the useful life of the project. Contractual agreements will be written to protect the Commonwealth's public interest in the private facilities and to require compensation for the residual value of the investment if the public use ceases within the period of useful life.

8. Projects will contribute to the effectiveness of the entire transportation system.

Projects will promote congestion relief, encourage economic development, enhance the competitiveness of Virginia ports, promote safety, health and environmental benefits, and improve mobility or any combination of these objectives.

9. At least 90 percent of program funds will be spent on capital improvements.

At least 90 percent of the Rail Enhancement Fund will be expended on acquiring, leasing, and/or improving railways or railroad equipment, signals and communication improvements, rolling stock, rights-of-way or facilities, including design and construction engineering. Up to 10 percent of the Fund may be spent on planning and environmental evaluation leading to capital project improvements.

Program Implementation Guidelines

The Rail Enhancement Fund Program is administered by the Director of the Department of Rail and Public Transportation in accordance with decisions of the Commonwealth Transportation Board. The Director of DRPT will consult with and obtain the advice and recommendations of the Rail Advisory Board in preparation of an annual program of projects for implementation. Listed below are the program roles, selection process and execution requirements for the administration of the Rail Enhancement Fund Program.

Program Roles

Role of the Commonwealth Transportation Board

The Commonwealth Transportation Board (CTB) is the policy board for the Virginia Department of Rail and Public Transportation and the Department of Transportation. This role includes the formulation and adoption of program development guidelines, policies, procedures, and allocation of funds for programs of projects. In accordance with §33.1-221.1:1.1, the CTB must determine that projects undertaken pursuant to the Rail Enhancement Fund result in public benefits to the Commonwealth or to a region of the Commonwealth that are equal to or greater than the level of investment of Rail Enhancement funds.

Role of the Rail Advisory Board

As established in §33.1-391.3:1, the Rail Advisory Board (RAB) consists of nine members appointed by the Governor for terms of four years. One of the nine appointees is an at-large member of the CTB. The role of the RAB is to develop recommendations, in consultation with the Director of DRPT, to be presented to the CTB regarding all proposed allocations of funds from the Rail Enhancement Fund, to work cooperatively with the Director of DRPT and with any affected railroad in identifying, developing, and advocating projects and policies to enhance the quality and utility to the public of rail transportation in the Commonwealth, and to advise DRPT on other matters at the request of the Director of DRPT.

Role of the Department of Rail and Public Transportation

Through its Director, DRPT is responsible for the analysis of projects and proposals and development of information necessary to assess the proposals. The agency is also responsible for developing the program of projects, implementing the program and providing periodic progress reports to the RAB and CTB. The Director will consult with the RAB to

obtain advice and recommendations. The agency is responsible for executing necessary agreements and ensuring program compliance for the project.

Relationship to Transportation Plans

Rail Enhancement Fund Program development includes the coordination of projects to address the needs identified in applicable statewide, regional and/or local transportation plans. Existing plans and initiatives include the VTrans 2025 Statewide Transportation Plan and its rail component, the Virginia State Rail Plan, as well as the Governor's Commission on Rail Enhancement for the 21st Century Report. In subsequent phases of the Rail Enhancement Fund Program, the RAB will work with the Director of DRPT to develop a Virginia Rail Action Plan that prioritizes rail needs in Virginia. The list of prioritized needs will be referenced to help guide selection of future projects.

Eligible Recipients

The following organizations are eligible to apply for Rail Enhancement funding:

1. Commuter and Intercity Passenger Rail Operators
 2. Freight Rail Operators
 3. Private Businesses or Industries that currently utilize rail or are planning to develop railway facilities in the future
 4. Regional Authorities
 5. Local Governments
 6. Non-profit Organizations
- (or any combination of the above)

Eligible Project Expenses

Eligible expenses may include the following:

1. Preliminary service, engineering, or feasibility study
2. Final engineering
3. Acquisition, lease, or improvement of rights of way or facilities
4. Environmental mitigation directly related to the project
5. Site preparation including grading, drainage, and relocation of utilities
6. Acquisition, lease, or improvement of railways, including signal and communications equipment
7. Acquisition, lease, or improvement of railroad equipment
8. Acquisition, lease, or improvement of rolling stock

Project Selection Process

The process of identifying projects to be funded will evolve during the first three years of the Rail Enhancement Fund Program. In 2005 a grant application/review process will be initiated by DRPT to bring forward projects which meet the program requirements and are ready for immediate implementation. In 2006 the RAB will work with the Director of DRPT to prioritize state rail needs within a Virginia Rail Action Plan that will be presented by the Director of DRPT to the CTB. Submitted proposals and candidate projects will be expected

to be consistent with the prioritized needs defined in the Rail Action Plan. In 2007 and all subsequent years, prioritized rail projects will be integrated into the Six Year Improvement Program (SYIP).

1. Projects will be advanced for consideration following the procedures developed by DRPT, with concurrence from the RAB.
 - During the first year of the program (CY 2005), DRPT will solicit grant applications from potential grant recipients.
 - During the second year of the program (CY 2006) the RAB will recommend prioritized state rail needs to DRPT within the Virginia Rail Action Plan. These needs will be considered as part of the evaluation process for projects solicited in 2006.
 - Beginning in the third year (CY 2007) rail projects will be prioritized in the Virginia Rail Action Plan and fully integrated into the Six Year Improvement Program.
2. Applicants will be allowed an opportunity to respond to questions concerning their application submittals. DRPT will analyze the candidate projects and the Director will present recommendations to the RAB.
3. The RAB will work cooperatively with the Director of DRPT and with any affected railroad in identifying, developing, and advocating projects and policies to enhance the quality and utility to the public of rail transportation in the Commonwealth.
4. In consultation with, and with the assistance of the Director of DRPT, the RAB will develop recommendations within a Program of Projects to be presented to the CTB regarding all proposed allocations of funds from the Rail Enhancement Fund.
5. The Director of DRPT will present the Program of Projects to the CTB for their consideration. This presentation will include a determination that the projects are for the common good of a region of the Commonwealth or the Commonwealth as a whole and that the public benefits are equal to or greater than the investment of the Rail Enhancement funds.
6. The CTB will approve the Program of Projects.
7. The Director of DRPT will develop and negotiate an agreement with each applicant for each project approved by the CTB. The agreement will stipulate the time frame for implementation and completion of each project.
8. Periodic status reports will be provided to the CTB and RAB on all projects.

Project Execution Requirements

In any year of the program, projects that are selected for funding will follow the procedures listed below to ensure compliance with program requirements:

Administrative Process

1. DRPT will undertake a review of applications and conduct a critical screening for compliance with the minimum policy criteria for project consideration. Those applications that pass will be subjected to a public benefit/cost analysis (see Page 14). The time frame for analysis will be determined by the Director (eg. 5 years, 10 years or 20 years). The applicant may suggest an appropriate time frame for the project they are submitting.
2. Following CTB approval of Rail Enhancement Fund allocations, the Director of DRPT will notify the successful applicants.
3. The Director of DRPT will develop and negotiate an agreement with each applicant for each project approved by the CTB. The agreement will stipulate the time frame for implementation and completion of each project.
4. Payments will be made on a reimbursement basis. Grantee will submit periodic invoices (generally monthly) for that portion of the work that has been completed. DRPT will review the project progress and approve invoice payments according to the agency's Grants Management procedures.
5. The grantee will maintain separate financial records for the project.
6. After the completion of work, all of the grantee's records on the project are subject to an audit. Records are to be retained for five years after completion of the project.

Monitoring and Evaluation

1. Completed work will be subject to inspection by DRPT and by the owning railroad. The contractor will be required to replace any work which does not meet applicable standards, criteria, or specifications.
2. DRPT will provide periodic status reports to the Rail Advisory Board and the Commonwealth Transportation Board.
3. A follow-up review will be conducted on all projects three years after their completion. This review will include a comparison of the public benefits of the project identified in the original application to the actual results demonstrated by the project.

A periodic program review will be conducted to ensure that program goals are being met.

APPENDIX A

PROJECT APPLICATION ELEMENTS



**FY2005-2006
Rail Enhancement Fund
Project Application Elements**

Applicant: Name, Address, Points of Contact, Type of Applicant:
(Passenger Railroad, Freight Railroad, Locality, Business, Other)

Project Title:

Project Location: (City/County, Rail line, Railroad Mile Post, attach map)

Project Information: Description of Project/Service area affected by Project/Project Objective/Relationship to other projects under development by applicant or previously funded by this program/Describe the Public Benefit of Project (plus Attachment A – Project Data Information Form)

Type of Project: New Construction, Rehabilitation, Study- plus Rail Infrastructure, Rail Facility/Station, Equipment/Rolling Stock, Other

Project Budget Summary: Total Project Budget for this Application – includes: Preliminary Engineering, Environmental Evaluation, Design Engineering, Right of Way Acquisition, Construction, Construction Management, Lease/Acquisition of Equipment, Other

Rail Enhancement Funds Requested in this Application: Maximum 70% of Project Cost.

Local Match Required by Applicant: (Minimum 30% Project Cost) If overmatch, provide percentage including: Match Breakdown by Source (include in-kind) and Funding Sources Beyond Match Requirement

Project Implementation Schedule: (based in months - List major milestones of the project.)

Other Issues and Concerns: Identify any possible Environmental or other issues/concerns within the scope of this project

Attachments:

1. Attachment A - Project Data Information Form
2. Attachment B – Application Checklist
3. Certification of Match/% of Match/Documentation of Source of Match (Letter Attached by Applicant)
4. Certification of Additive Investment (Letter Attached by Applicant)
5. Statement from owner of facility to acknowledge that the Commonwealth's Public Interest in Private Facilities is protected in this project (Letter Attached by Applicant/Owner)

Application and Attachment Certification and Authorized Signature/Title:

Any forms developed for the Rail Enhancement Fund Program will be consistent with policies and procedures adopted by the Rail Advisory Board and the Commonwealth Transportation Board

APPENDIX B

MEASURES FOR PUBLIC BENEFIT/COST ANALYSIS

Public Benefit/Cost Measures Under Development Proposed Methodology

1. Passenger Projects

Measures	Proposed Methodology
a. Reduction of Number of Cars on Highway	Passenger demand converted to number of cars that they would have driven otherwise
i). Reduction in Public Improvements/Maintenance Costs/Congestion Relief	Estimated cost of new highway lane miles and/or maintenance cost saved by diversion of passengers to rail
ii) Environmental Improvements	Pollution cost saved by shifting from driving cars to taking the train
iii) Fuel Savings	Fuel consumption reduced by shifting from driving cars to taking the train
b. Reduced Passenger Transportation Costs	Reduced cost per passenger for intercity and commuter travel based on the cost per car mile and the fare cost
c. Reduced Transportation Costs – Elderly, Disabled	Reduction in personal ridership costs in the number of riders in these categories by increasing transportation choices
d. Increased Employment	Value of construction and permanent service employment in wages and benefits plus additive value for indirect employment
e. Retained Employment	Value of salaries and benefits for retained employees
f. Reduced Crash and Accident Cost	Average cost of car accidents minus average train accident costs. (NOTE: overall accident costs per train mile are not available)
g. Travel Time Savings	Value of travel time savings for new passengers that shift to train travel rather than driving and/or the value in reduced travel time for existing passengers.
h. Promotes Economic Development	In consultation with VEDP to review application in relation to current return on investment practices
i. Increased Ridership on Other Systems	Value of fares for passenger transfers to other modes.
j. Freight Benefits as Determined Under #2	(See next page)

2. Freight Projects

Measures	Proposed Methodology
a. Reduction in Number of Trucks on Highway	Number of railcars converted to number of trucks
i) Reduction in Public Improvements/Maintenance Costs/Congestion Relief	Estimated cost of new highway lane miles and/or maintenance cost saved by diverting trucks to rail
ii) Environmental Improvements	Pollution cost savings by shifting from trucks to trains
iii) Fuel Savings	Fuel consumption reduced by shifting from trucks to trains
b. Public User Benefits: Increased Choices/Competition	Increased competition, reduction in overall transportation costs by shifting from trucks to trains
c. Increased Employment	Value of construction and permanent service employment in wages and benefits plus additive value for indirect employment
d. Retained Employment	Value of salaries and benefits for retained employees
e. Reduced Crash and Accident Cost	Accident cost savings by shifting from trucks to trains (NOTE: total accident cost for trains is not available)
f. Promotes Economic Development/Business Preservation	In consultation with VEDP to review application in relation to current return on investment practices
g. Service Distance Reduction Miles	The value of reduced travel mileage for existing freight which is not included in item B above.
h. Passenger Benefits as Determined Under #1	(See previous page)

APPENDIX C

RAIL ENHANCEMENT FUND CODE

Rail Enhancement Fund Code

§ 33.1-221.1:1.1. Rail Enhancement Fund.

A. The General Assembly declares it to be in the public interest that railway preservation and development of railway transportation facilities are an important element of a balanced transportation system of the Commonwealth for freight and passengers and further declares it to be in the public interest that the retention, maintenance, improvement and development of the railways are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets, and there is hereby created in the state treasury a special nonreverting fund to be known as the Rail Enhancement Fund which shall be considered a special fund within the Transportation Trust Fund, hereafter referred to as "the Fund."

B. The Fund shall be established on the books of the Comptroller, and shall consist of dedications pursuant to § [58.1-2425](#) and such funds from other sources as may be set forth in the appropriation act and shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Virginia Department of Rail and Public Transportation or the Director's designee.

C. The Director of the Department of Rail and Public Transportation shall administer and expend or commit, subject to the approval of the Commonwealth Transportation Board, the Fund for acquiring, leasing, and/or improving railways or railroad equipment, rolling stock, rights-of-way or facilities, or assisting other appropriate entities to acquire, lease, or improve railways or railroad equipment, rolling stock, rights-of-way or facilities, for freight and/or passenger rail transportation purposes whenever the Board shall have determined that such acquisition, lease, and/or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. Prior to recommending an allocation of the Fund to the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation shall consult with and obtain the advice and recommendations of the Rail Advisory Board established pursuant to § [33.1-391.3:1](#).

D. Projects undertaken pursuant to this section shall be limited to those the Commonwealth Transportation Board shall have determined will result in public benefits to the Commonwealth or to a region of the Commonwealth that are equal to or greater than the investment of funds under this section. Such projects shall include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, or a local government source, or a combination of such sources.

(2004, c. 621; 2005, c. 323.)

§ 58.1-2425. Disposition of revenues.

A. All funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § [46.2-100](#), shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) all funds collected from the additional tax imposed by subdivision A 4 of § [58.1-2402](#) on the rental of daily rental vehicles shall be distributed quarterly to the city, town, or county wherein such vehicle was delivered to the rentee; (iii) effective January 1, 1987, an amount equivalent to the net additional revenues generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ [46.2-694](#), [46.2-697](#), [58.1-2401](#), [58.1-2402](#) and this section shall be distributed to and paid into the Transportation Trust Fund, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iv) except as otherwise provided in clause (iii) of this sentence, all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 3 of § [58.1-2402](#) at the tax rate in effect on December 31, 1986, shall be paid by the Commissioner into the state treasury and shall be paid into the Rail Enhancement Fund established by § [33.1-221.1:1.1](#); and (v) all additional revenues resulting from the fee imposed under subdivision A 5 of § [58.1-2402](#) as enacted by the 2004 Session of the General Assembly shall be used to pay the debt service on the bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the General Assembly.

B. As provided in subsection A of § [58.1-638](#), of the funds becoming part of the Transportation Trust Fund pursuant to clause (iii) of subsection A of this section, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

(Code 1950, § 58-685.23; 1966, c. 587; 1976, c. 567; 1981, c. 145; 1984, c. 675; 1986, Sp. Sess., c. 11; 1987, c. 696; 1991, c. 323; 1997, cc. 283, 423, 853; 1998, cc. 905, 907; 1999, c. 77; 2004, c. 522; 2005, c. 323.)

§ 33.1-391.3:1. Rail Advisory Board.

There is hereby established the Rail Advisory Board to consist of nine members appointed by the Governor for terms of four years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. One of such appointees shall be an at-large member of the Commonwealth Transportation Board. The members of the Board shall elect a Chairman. The Board may, by majority vote, choose one of its members to serve as vice-chairman. The Board shall, in consultation with the Director, develop recommendations to be presented to the Commonwealth Transportation Board regarding allocations of funds from the Rail Enhancement Fund. The Board shall also advise the Director and the Department on other matters at the request of the Director or the Department. The Board shall meet at the call of the Chairman. A majority of the members shall constitute a quorum for the conduct of all Board business.

The Board shall have the following responsibilities:

1. In consultation with, and with the assistance of the Director, the Board shall develop recommendations to be presented to the Commonwealth Transportation Board regarding all proposed allocations of funds from the Rail Enhancement Fund.
2. The Board shall work cooperatively with the Director of the Department of Rail and Public Transportation and with any affected railroad in identifying, developing, and advocating projects and policies to enhance the quality and utility to the public of rail transportation in the Commonwealth.
3. At the request of the Director, the Board shall consider and advise the Director and the Department on any other matter or matters pertaining to transportation in the Commonwealth.

Members of the Board shall receive no compensation, but shall be reimbursed their actual and necessary expenses incurred in connection with their official duties. Staff support for the Board shall be provided by the Department of Rail and Public Transportation.

(2005, c. 323.)